

R E M A R K S

- Claims 70 to 89 were pending in the present application
- Claims 70 to 89 stand rejected

Upon entry of this amendment:

- Claims 79 to 103 will be pending, with
- Claims 70 to 78 having been cancelled, and
- Claims 90 to 103 having been added herein
- Claims 79, 84, 90, 91, and 103 are independent

Specification Objection

The Specification was objected to because the referenced parent application has issued as a patent. Applicants have amended the Specification to reference the parent patent using the patent number.

Upon reviewing the specification, a typographical error was noted in Fig. 8, reference number 816. The word "available" should be replaced with "unavailable." Applicants have enclosed herewith a substitute version of Fig. 8 with this correction as well as a red marked version. Applicants have also sent a complete set of drawings with corrected Fig. 8 to the Official Draftsperson.

No new matter has been added by these amendments.

Claim Objections

The Examiner has objected to Claims 73 and 84. Claim 73 omitted a period and Claim 84 had a comma in place of a semicolon. Claim 73 has been cancelled herein and Claim 84 has been amended herein to correct the typographical error.

Double Patenting Rejection

The claims stand rejected under the doctrine of obviousness-type double patenting as unpatentable over U.S. Patent No. 6,282,523. While Applicants do not accept nor agree with the Examiner's characterization of Applicants' claims, solely for the sake of advancing prosecution, Applicants have filed herewith a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome this rejection. Applicants respectfully request withdrawal of the double patenting rejection in view of the enclosed terminal disclaimer.

Section 102 Rejections

Claims 79 and 82 stand rejected under 35 U.S.C. Section 102(e) as anticipated by U.S. Patent No. 6,036,344 filed June 10, 1998 and issued March 14, 2000 to D. M. Goldenberg (hereinafter "Goldenberg"). Applicants respectfully traverse the Examiner's Section 102 rejection. However, for the sake of expediting prosecution, Applicants have included herewith an affidavit made pursuant to Rule 1.131 swearing behind the Goldenberg reference. Thus, since all of the Examiner's 102 rejections rely upon Goldenberg, Applicants respectfully request withdrawal of the Examiner's Section 102 rejections.

Section 103 Rejections

Claims 70 to 72, 76, and 89 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of Official Notice unsupported by any evidence.

Claims 73 to 75, 83, 84, 87, and 88 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of U.S. Patent No. 5,703,344 filed June 30, 1995 and issued December 30, 1997 to E. W. Bezy et al. (hereinafter "Bezy").

Claims 77 and 80 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of Official Notice supported by U.S. Patent No. 5,797,133 filed February 3, 1997 issued August 18, 1998 to R. M. Jones et al. (hereinafter "Jones").

Claims 78 and 81 stand rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of Official Notice supported by U.S. Patent No. 6,385,594 filed May 8, 1998 and issued May 7, 2002 to D. Lebda et al. (hereinafter "Lebda").

Claim 85 stands rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of Bezy, and further in view of Official Notice supported by Jones.

Claim 86 stands rejected under 35 U.S.C. Section 103(a) as unpatentable over Goldenberg in view of Bezy, and further in view of Official Notice supported by Lebda.

Applicants respectfully traverse all these rejections. However, for the sake of expediting prosecution, Applicants have cancelled Claims 70 to 78 herein without prejudice to pursue these claims in another application and have included herewith an affidavit made pursuant to Rule 1.131 swearing behind the Goldenberg reference. Thus, since all of the Examiner's rejections rely upon Goldenberg, Applicants respectfully request withdrawal of the Examiner's Section 103 rejections.

For the record, Applicants wish to make it explicitly clear that they do not agree with nor accept the Examiner's Section 102 and 103 rejections based on Goldenberg. Goldenberg teaches a system and method "for countering fraudulent check *cashing* schemes" (*emphasis added*) for banks. This is distinct from Applicants' system that permits check payors to provide payees assurance by reserving a check amount.

Regarding Claims 79 and 84, a method that allows a check payee, for example, to find out if the check amount has been reserved, is recited. The relied upon passages from Goldenberg describe a specialized system that requires a bank to receive a check to be cashed before the system "provisionally debits" the account upon which the check is drawn. In other words, as depicted in Fig. 2 of Goldenberg, the Goldenberg system insures banks in the system that other banks in the system will be able to honor a check by executing a provisional debit. In contrast, Claim 79 recites that using a code, it can be determined how much was put in reserve for a payee of a check. Claim 84 further recites how the amount is reserved and how the code is generated. Goldenberg cannot anticipate these claim because Goldenberg does not contemplate a situation where a check payee (who is not at a bank to present the check for cashing) wants to know if a payor's check is good when provided to the payee, or earlier. Thus, Goldenberg lacks teaching of the features of Applicants invention and Applicants respectfully request withdrawal of the rejections.

Newly-Added Claims

Newly-added Claims 90 to 103 are patentable over the references relied upon in the Section 102 and 103 rejections for at least the reasons presented above. Further the references do not teach or suggest receiving check data from a payor nor transmitting the code to a payee of the check. Thus, Applicants respectfully submit that new ClaimsXX are allowable.